

# **EXECUTIVE COUNCIL OF IOWA AGENDA**

**State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.**

**February 17, 2020**

1. Approval of minutes of meeting held January 27, 2020
2. Personal Appearance —
  - A. Christie Templeton, Department of Human Services, will be present to request a transfer of funds in the amount of \$10,504.87 pursuant to Iowa Code §29C.20B.  
**TAB # 1**
  - B. Commissioner Stephan Bayens, Department of Public Safety, will be present to request a Resolution of Funds in the amount of \$3,000.00 pursuant to Iowa Code §29C.20(5).  
**TAB # 2**
3. Outside Counsel – Page 1  
**TAB # 3**
4. Special Counsel – Page 1  
**TAB # 4, 5**
5. Outside CPA – Page 2  
**TAB # 6, 7**
6. Emergency Allocations – Pages 2-7
7. Payment of Cost Items – Pages 7-13
8. Information Items – Page 13

**3. Outside Counsel**

- A. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Debra J. Breckenridge v. Iowa Judicial Branch, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.  
Attorney: Ryan Clark  
505 5<sup>th</sup> Avenue  
Suite 729  
Des Moines, IA 50309  
Rate: \$140.00 Per Hour

**TAB # 3**

**4. Special Counsel**

- A. The Department of Justice, Attorney General's Office, requests retention of special counsel to represent Iowa State University pursuant to Iowa Code section 13.7 in a trademark enforcement action against Jersey Cyclone Brewing Company. All attorney fees and costs to be paid directly by Iowa State University.

Firm: McKee, Voorhees & Sease, PLC  
801 Grand Ave  
Suite 3200  
Des Moines, IA 50302  
Rate: \$250.00 Per Hour (Attorney)  
\$70.00 Per Hour (Paralegal)

**TAB # 4**

- B. The Department of Justice, Attorney General's Office, requests retention of special counsel pursuant to Iowa Code section 13.7 to retain special counsel to represent Iowa State University in *Speech First, Inc v Wintersteen*, Case No. 4:20-cv-2-SMR-SBJ.

Firm: Belin McCormick  
666 Walnut Street  
Suite 2000  
Des Moines, IA 50309  
Rate: \$350.00 Per Hour

**TAB # 5**

**5. Outside CPA Firm**

- A. Request from Rob Sand, Auditor of State to employ the services of HoganTaylor LLP CPA firm to perform an audit of the Iowa Fund of Funds, Fund A, L.L.L.P., for the year ending December 31, 2019 as required by Section 15E.65(2)(g) of the Code of Iowa. The total reimbursement for the audit shall not be for more than \$17,500.00.

**TAB # 6, 7**

**6. Emergency Allocations**

- A. Board of Regents – University of Iowa is requesting an emergency allocation and reimbursement in the amount \$236,223.95. On January 4, 2018 cold temperatures caused frozen and burst pipes to various buildings and equipment. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation closed.

- B. Board of Regents – University of Iowa is requesting an emergency allocation and reimbursement in the amount \$25,364.74. On September 5, 2018 a fire caused damages to the building and equipment in Trowbridge Hall. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation closed.

- C. Board of Regents – University of Iowa is requesting an emergency allocation and reimbursement in the amount \$205,708.25. On January 5, 2019 a fractured chilled water pop caused water damage at the Westlawn Facility. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation closed.

- D. Board of Regents – University of Iowa is requesting an emergency allocation in the amount \$153,050.54. On January 30, 2019 a frozen/burst pipe caused water damage to the building and equipment at the Iowa Medical Laboratories. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- E. Board of Regents – University of Iowa is requesting an emergency allocation in the amount \$23,360.30. On August 13, 2019 a frozen/burst pipe caused water damage to the building and equipment at the Iowa Medical Laboratories. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- F. Board of Regents – University of Iowa is requesting an emergency allocation in the amount \$28,000.00. On September 4, 2019 a power surge damaged an MRI magnet at Towncrest Center. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- G. Iowa Communications Network is requesting a supplemental emergency allocation in the amount \$14,663.84. This will increase the total allocation to \$28,241.45. On April 19, 2019 ICN sustained cable damage due to excessive erosion along 150th Street in Fayette County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation closed.

- H. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$2,728.66. This will increase the total allocation to \$23,436.78. On April 30, 2019 ICN sustained cable damage due to excessive erosion along Highway 20 in Webster County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation closed.

- I. Iowa Communications Network is requesting a supplemental emergency allocation in the amount \$6,072.71. This will increase the total allocation to \$29,788.54. On March 13, 2019 ICN sustained cable damage due to erosion along Highway 2 near Shenandoah. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation closed.

- J. Iowa Communications Network is requesting an emergency allocation in the amount of \$8,385.00. On September 16, 2019 ICN sustained cable damage due to erosion along Highway 58 and Black Hawk Creek in Black Hawk County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- K. Iowa Communications Network is requesting an emergency allocation in the amount of \$20,028.15. On September 16, 2019 ICN sustained cable damage due to excessive erosion and rodent chewing along Highway 18 at Boone River in Hancock County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- L. Department of Administrative Services is requesting a supplemental emergency allocation in the amount \$85,220.68. This will increase the total allocation to \$477,513.15. On June 22, 2019 water damaged the Hoover Building due to flooding. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- M. Department of Administrative Services is requesting an emergency allocation in the amount \$8,616.26. On July 20, 2019 storms caused tree damage on the Capitol Complex. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- N. Department of Administrative Services is requesting an emergency allocation in the amount \$2,159.59. On August 20, 2019 flooding caused damage to the Capitol Complex. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation and reimbursement. This represents full and final payment and this allocation closed.

- O. Department of Administrative Services is requesting an emergency allocation and reimbursement in the amount \$20,289.19. On October 28, 2019 Vehicle #1318 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation and reimbursement. This represents full and final payment and this allocation closed.

- P. Department of Administrative Services is requesting an emergency allocation in the amount \$2,746.25. On November 11, 2019 Vehicle #105698 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- Q. Department of Administrative Services is requesting an emergency allocation and payment in the amount \$11,151.00. On November 22, 2019 Vehicle #105801 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation and payment. This represents full and final payment and this allocation closed.

- R. Department of Public Safety is requesting an emergency allocation in the amount \$3,199.62. On October 16, 2019 State Patrol Vehicle #235 was damaged by a raccoon. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- S. Department of Public Safety is requesting an emergency allocation in the amount \$9,182.88. On October 21, 2019 State Patrol Vehicle #89 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- T. Department of Public Safety is requesting an emergency allocation in the amount \$5,043.37. On October 28, 2019 State Patrol Vehicle #425 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- U. Department of Public Safety is requesting an emergency allocation in the amount \$3,715.60. On November 18, 2019 State Patrol Vehicle #50 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- V. Department of Public Safety is requesting an emergency allocation in the amount \$4,589.09. On December 19, 2019 State Patrol Vehicle #98 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- W. Department of Natural Resources is requesting an emergency allocation in the amount \$31,887.64. On May 5, 2019 there was a theft at Brushy Creek State Park and Prairie Resource Center. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- X. Department of Natural Resources is requesting a supplemental allocation in the amount of \$9,668.80. This will increase the total allocation to \$23,668.80. On May 30, 2019 there was flood damage to the main access road at Lacey Keosauqua State Park. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- Y. Department of Natural Resources is requesting a supplemental allocation in the amount of \$2,645.18. This will increase the total allocation to \$9,245.18. On May 31, 2019 there was flood damage to Cart Trail at Honey Creek Resort in Appanoose County. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- Z. Department of Natural Resources is requesting an emergency allocation in the amount \$77,190.00. On June 30, 2019 a storm caused damages to Maquoketa Caves State Park. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

AA. Department of Natural Resources is requesting an emergency allocation in the amount \$3,315.14. On October 2, 2019 flash flooding caused damages at Bixby State Preserve. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

BB. Department of Corrections – Newton Correctional Facility is requesting an emergency allocation and reimbursement in the amount \$2,050.58. On November 30, 2019 a power surge damaged equipment. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation closed.

CC. Iowa State Fair is requesting an emergency allocation and in the amount \$61,662.00. On October 1, 2019 strong winds caused roof damage to the Cattle Barn. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

## **7. Payment of Cost Items**

A. Department of Natural Resources.....\$13,381.89  
On September 29, 2016 floods damaged various Iowa state parks. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents partial payment.

B. Department of Natural Resources.....\$11,584.07  
On May 27, 2018 severe storms caused damage at Clear Lake and McIntosh Woods State Parks in Cerro Gordo County. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment and this allocation closed.



- C. Department of Natural Resources.....\$5,003.32  
On June 3, 2018 a fire damaged Pikes Point Shelter in Dickinson County.  
Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$9,996.68 will be reverted and this allocation closed.

- D. Department of Natural Resources.....\$3,728.90  
On June 19, 2018 heavy rains and flooding caused damage at Dolliver Memorial State Park in Webster County. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents partial payment.

- E. Department of Natural Resources.....\$5,394.75  
On June 21, 2018 there was flood damage to Wilson Island State Recreation Area in Pottawatomie County. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment and this allocation closed.

- F. Department of Natural Resources.....\$25,461.53  
On June 21, 2018 heavy rains damaged multiple wildlife management areas. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents partial payment.

- G. Department of Natural Resources.....\$11,482.50  
On March 14, 2019 George Wyth State Park in Black Hawk County was damaged by flooding. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents partial payment.

- H. Department of Natural Resources.....\$11,423.01  
On May 23, 2019 the lift station at Lake of Three Fires State Park in Taylor County was damaged by a storm. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$93.00 will be reverted and this allocation closed.

- I. Iowa Communications Network.....\$26,381.11  
On February 22, 2019 ICN sustained cable damage due to erosion along I-80  
in Pottawattamie County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends  
payment. This represents full and final payment, \$5,176.16 will be reverted  
and this allocation closed.

- J. Iowa Communications Network.....\$40,236.36  
On March 14, 2019 ICN sustained cable damage due to erosion along  
Highway 34 in Mills County. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends payment,  
this represents full and final payment and this allocation closed.

- K. Board of Regents – University of Iowa.....\$15,624.32  
On June 23, 2019 excessive rain water damaged a building on Iowa Center for  
Higher Education Campus. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends payment,  
this represents full and final payment and this allocation closed.

- L. Iowa State Fair .....\$36,608.00  
On June 22, 2019 strong winds and a fallen tree caused roof damage to  
Paddock. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends  
payment. This represents full and final payment, \$495.00 will be reverted and  
this allocation closed.

- M. Department of Administrative Services.....\$18,865.60  
On August 31, 2019 vehicle #1782 was damaged by a deer. Request was to  
cover repair costs.

The State Auditor's Office has reviewed this request and recommends  
payment. This represents full and final payment and this allocation closed

- N. Department of Administrative Services.....\$7,002.01  
On June 5, 2019 Vehicle #1789 was damaged by hail. Request was to cover  
repair costs.

The State Auditor's Office has reviewed this request and recommends  
payment. This represents full and final payment, \$557.08 will be reverted and  
this allocation closed.

- O. Hall Render Killian Heath & Lyman P.C. (Baker).....\$699.09  
PO Box 771910  
Detroit, MI 48277-1910  
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

- P. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,048.03  
PO Box 771910  
Detroit, MI 48277-1910  
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

- Q. Hall Render Killian Heath & Lyman P.C. (Baker).....\$251.09  
PO Box 771910  
Detroit, MI 48277-1910  
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

- R. Simmons Perrine Moyer Bergman PLC.....\$300.00  
115 Third Street SE, Suite 1200  
Cedar Rapids, IA 52401  
Tobacco Settlement Authority

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Tobacco Settlement Authority.

- S. Patterson Law Firm L.L.P.....\$436.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Dena Nelson v. Glenwood Resource Center, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

T. Patterson Law Firm L.L.P.....\$156.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Richard Adrian v. University of Iowa, State of Iowa and Second Injury Fund  
of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

U. Patterson Law Firm L.L.P.....\$612.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Belifia "Lou" Parks vs. Iowa Department of Transportation, State of Iowa and  
Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund

V. Patterson Law Firm L.L.P.....\$1,120.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Donald E. Dietz v. Iowa Department of Transportation, State of Iowa and  
Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

W. Patterson Law Firm L.L.P.....\$378.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jason Loving v. Iowa Department of Transportation, State of Iowa and Second  
Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

X. Patterson Law Firm L.L.P.....\$230.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Lori Deere vs. Iowa Department of Transportation, State of Iowa and Second  
Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

Y. Patterson Law Firm L.L.P.....\$252.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Robert James Conrad vs. Woodward Resource Center, State of Iowa and  
Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

Z. Patterson Law Firm L.L.P.....\$196.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Cherie Kreger v. University of Northern Iowa, State of Iowa and Second  
Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

AA. Patterson Law Firm L.L.P.....\$98.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Rory Aschbrenner vs. Iowa State University, State of Iowa and Second Injury  
Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

BB. Patterson Law Firm L.L.P.....\$84.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Melody Colvin v. Woodward Resource Center, State of Iowa and Second  
Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

CC. Richard J. Bennett, Sr.....\$4,164.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney  
General's Office

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Attorney General's  
Office's Forfeiture Fund.

**8. Information Items**

A. On November 12, 2019 the Executive Council approved the following  
Emergency Allocation:

Department of Natural Resources is requesting an emergency  
allocation in the amount of \$9,673.00. On September 19, 2019 the  
dock and kayak launch was lost due to flooding at Mines of Spain  
State Recreation Area. Request is to cover repair costs.

As of December 2019, the lost floating dock and kayak launch were located,  
in good condition and can continue to be used. The Department of Natural  
Resources has withdrawn their claim. The State Auditor's Office has  
reviewed this request and recommends that \$9,673.00 should be reverted and  
this allocation closed.

Kim Reynolds, Governor

Adam Gregg, Lt. Governor

Kelly Garcia, Director

Victoria Newton, Executive Secretary  
Executive Council of Iowa  
State Capitol Building  
LOCAL

February 4, 2020

Re: Governor's Proclamation of a State of Disaster Emergency – Transfer for Funds

Dear Ms. Newton:

Per the Governor's Disaster Proclamations, I am requesting the transfer of funds for the Iowa Disaster Case Management Grant Program (IDCM) be placed on the Executive Council Agenda for Monday, February 10, 2020. The Iowa Department of Human Services is requesting the transfer of funds in the amount of \$10,504.87 to be allocated as follows.

- \$8,179.23 from Org 6014 to Org 6006 for IDCM Allamakee, Bremer, Chickasaw, Cerro Gordo, Floyd, Howard, and Winneshiek Counties.
- \$418.99 from Org 6014 to Org 6008 for IDCM Clay, Dickinson, Emmet, Kossuth, Lyon, Osceola, Palo Alto, Scott, and Story Counties.
- \$1,906.65 from Org 6014 to Org 6010 for IDCM Hancock, Humboldt, Plymouth, Sioux, and Winnebago Counties.

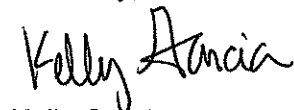
Pursuant to Iowa Code 29C.20B funding will be distributed to Disaster Case Management to help individuals or families with unmet needs that were affected by the disaster to establish a recovery plan.

The account coding for the funds to be transferred will be:

<u>Dept</u>	<u>Fund</u>	<u>Appr</u>	<u>Org</u>
401	0391	0000	6006_State Only Disaster IDCM (6/11/18)
401	0391	0000	6008_State Only Disaster IDCM (6/21/18)
401	0391	0000	6010_State Only Disaster IDCM (6/25/18)

Thank you for your assistance.

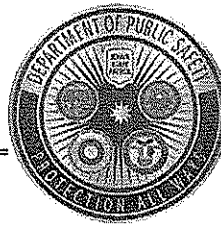
Sincerely,



Kelly Garcia  
Director

cc: Vern Armstrong, Department of Human Services  
Christie Templeton, Department of Human Services  
Barb DeJoode, Department of Human Services  
Robert Beran, Department of Human Services  
Trudy Crawford, Department of Human Services  
Linda Leto, Department of Management

Kim Reynolds  
Governor  
Adam Gregg  
Lt. Governor



Department of Public Safety

Stephan K. Bayens  
Commissioner

February 6, 2020

Victoria Newton, Executive Secretary  
Executive Council of Iowa  
State Capitol Building

Re: Governor's Proclamation of a State of Disaster Emergency – Request for Funds

Dear Ms. Newton:

On March 13, 2019, there was flooding and severe weather in Mills County causing damage.

Per the Governor's Disaster Proclamation, the Iowa Department of Public Safety is requesting the Executive Council adopt a Resolution for Funds in the amount of \$3,000 to be allocated for Pacific Junction electrical inspections.

The accounting coding for the funds to be transferred will be:

<u>Dept.</u>	<u>Fund</u>	<u>Appr.</u>	<u>Unit</u>
595	0957	0000	0957

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephan K. Bayens".

Stephan K. Bayens  
Commissioner

cc: Jim Wittenwyler, Administrative Services Division Director, Department of Public Safety  
Kevin Winker, Investigation Division Director, Department of Public Safety  
Dan Wood, State Fire Marshal, Department of Public Safety  
Brian Young, Chief Electrical Inspector, Department of Public Safety  
Dennis Hart, Department of Management



Iowa Department of Public Safety  
Pacific Junction Electrical Inspections

Inspection Date	Fee Waived	Address	City
05/02/19	70.00	402 2nd Street	Pacific Junction
05/02/19	165.00	400 Hoblit Avenue	Pacific Junction
05/04/19	70.00	201 North Ellison Street	Pacific Junction
05/05/19	65.00	400 Lincoln Avenue	Pacific Junction
05/06/19	65.00	601 Washington Avenue	Pacific Junction
05/06/19	75.00	201 Mills Avenue	Pacific Junction
05/09/19	55.00	500 Washington Avenue	Pacific Junction
05/13/19	65.00	407 Maple Street	Pacific Junction
05/13/19	75.00	401 Gleason Avenue	Pacific Junction
05/16/19	65.00	601 5th Street	Pacific Junction
05/16/19	70.00	805 Mills Avenue	Pacific Junction
05/28/19	95.00	301 Washington Avenue	Pacific Junction
05/28/19	70.00	507 Iowa Avenue	Pacific Junction
05/31/19	70.00	701 Lincoln Avenue	Pacific Junction
05/31/19	70.00	700 4th Street	Pacific Junction
06/01/19	70.00	201 South Ellison Street	Pacific Junction
06/13/19	65.00	604 Lincoln Avenue	Pacific Junction
06/13/19	70.00	302 1st Street	Pacific Junction
06/13/19	70.00	401 Cordelia Avenue	Pacific Junction
06/17/19	70.00	800 Lincoln Avenue	Pacific Junction
06/17/19	65.00	208 Walnut Street	Pacific Junction
08/06/19	75.00	401 4th Street	Pacific Junction
08/06/19	55.00	506 5th Street	Pacific Junction
08/07/19	65.00	300 2nd Street	Pacific Junction
08/07/19	55.00	504 Washington Avenue	Pacific Junction
08/13/19	25.00	400 Lincoln Avenue	Pacific Junction
08/23/19	55.00	201 Gleason Avenue	Pacific Junction
08/27/19	70.00	102 2nd Street	Pacific Junction
08/27/19	115.00	505 Lincoln Avenue	Pacific Junction
09/16/19	60.00	504 Washington Avenue	Pacific Junction
09/16/19	65.00	201 4th Street	Pacific Junction
09/18/19	65.00	904 Mills Avenue	Pacific Junction
09/18/19	80.00	901 Lincoln Avenue	Pacific Junction
09/24/19	70.00	402 2nd Street	Pacific Junction
09/24/19	60.00	505 Washington Avenue	Pacific Junction
09/30/19	65.00	301 5th Street	Pacific Junction
10/03/19	65.00	601 3rd Street	Pacific Junction
10/04/19	70.00	206 Mills Avenue	Pacific Junction
10/04/19	70.00	701 4th Street	Pacific Junction
10/04/19	55.00	701 Main Street	Pacific Junction
10/04/19	70.00	403 Cordelia Avenue	Pacific Junction
10/16/19	65.00	711 Washington Avenue	Pacific Junction
10/21/19	70.00	407 Lincoln Avenue	Pacific Junction
<b>3,000.00</b>		<b>Total Waived Fees</b>	

Cc: "Joyce Flinn" <joyce.flinn@iowa.gov>; "John Benson" <john.benson@iowa.gov>; "Jacob Nicholson" <jacob.nicholson@iowa.gov>; "IA Duty Officer" <iowadutyofficer@iowa.gov>; "Jon Paoli" <jonathan.paoli@iowa.gov>

Below find the actual state mission, #10819, to waive / inspect electrical in support of Mills Co. Director Film requested that I double check that mission was in progress and assigned correctly. Both DPS State Fire Marshall and Public Safety are assigned, Mills EMA more for his awareness. I am not aware of who has access to WebEOC from your department, and will have Jon Paoli run a report and reply with that information.

Hope this helps.

Frank Klier | Operations Division, Response Bureau Chief  
Iowa Homeland Security and Emergency Management  
Joint Forces Headquarters | 6100 NW 78th Ave | Johnston, IA 50131  
Office: 515-373-4236; Cell: 515-484-5414

In Progress		Closed	Not Reviewed	Search	Clear Search	Print PDF
Mission / Task			2019 - March 12 and Continuing - Flooding			
New Entry / Export Data						
<p><b>Originator</b> Date/Time Requested</p> <p>10815</p>			<p><b>Description/Response</b></p> <p><b>Desc:</b> Mills County is requesting a waiver to the fees charged to residents requesting electrical inspection for temporary hook-up from the Fire Marshall's office. Fees are between \$80-\$75/inspection. 219 inspections max.</p> <p>The process to request an inspection is via an application online. Mills is requesting a hotline take information to facilitate registration for inspections as residents have minimal access to computers. Mills EMA is looking into utilizing Ameritcorps support within Mills County provide support to facilitate these registrations however fees there may still be a need for a hotline.</p> <p><b>Loc:</b> Mills County</p> <p><b>Details:</b> Waiver of Fees/Call Center Engagement</p> <p><b>Contact:</b> Larry Hunt</p> <p><b>Response:</b> Updates : 04/22/2019: DPS has agreed to waive the fees. Building Inspector is in the area and has begun work, per Fire Marshall's office.</p> <p>Update 04/22/2019: Discussion has moved to the Commissioner and ISO.</p> <p>HSEMD has contacted DPS/Fire Marshall and scheduled a meeting with leadership for Monday, 4/22 to discuss waivers for fees. Additionally, once it is clear what information must be collected from property owners, HSEMD will engage partners to attempt to utilize 211 as a call-in service for these applications.</p>			
<p><b>Assigned to</b> Date/Time</p> <p>Mills EMA</p> <p>DPS - Sure Fire Marshal</p> <p>DPS - Public Safety</p>			<p><b>Status</b></p> <p>Yes</p> <p>05/10/2019 15:55:57</p>			
<p><b>Gov Proc/County Resource Recovery IMAC Request</b></p> <p>Yes</p>			<p><b>Attachment</b></p> <p>04/27/2019 09:33:34</p>			
<p><b>Print PDF</b></p>			<p><b>Edit</b></p>			

THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL



1305 E. WALNUT ST.  
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IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

January 31, 2020

Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
L-O-C-A-L

Re: Retention of Outside Counsel


Dear Victoria:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Debra J. Breckenridge v. Iowa Judicial Branch and State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5<sup>th</sup> Avenue, Suite 729, Des Moines, Iowa 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$140.00 per hour. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,



JEFFREY S. THOMPSON  
Solicitor General

THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL



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February 12, 2020

Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
LOCAL

Re: Retention of Special Counsel

Dear Victoria:

Our office requests authorization pursuant to Iowa Code section 13.7 to retain special counsel to represent Iowa State University (ISU) in a trademark enforcement action against Jersey Cyclone Brewing Company.

The proposed action presents specialized legal and procedural issues arising from federal trademark law. Our office lacks the specialized legal expertise and the appropriate resources necessary to prosecute this matter. ISU recommends McKee, Voorhees & Sease, PLC, 801 Grand Ave., Suite 3200, Des Moines, IA 50309 as special counsel. The services of attorneys and paralegals will be billed at \$250.00 and \$70.00 per hour respectively.

Accordingly, our office recommends that McKee, Voorhees & Sease be approved as Special Counsel with all attorney fees and costs to be paid directly by ISU.

Sincerely,

JEFFREY S. THOMPSON  
Solicitor General

THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL



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February 12, 2020

Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
LOCAL

Re: Retention of Special Counsel


Dear Victoria:

Our office requests authorization pursuant to Iowa Code section 13.7 to retain special counsel to represent Iowa State University (ISU) in *Speech First, Inc. v. Wintersteen*, Case No. 4:20-cv-2-SMR-SBJ.

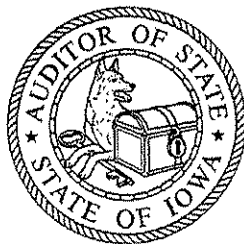
The *Speech First* case presents important issues relating to 1<sup>st</sup> Amendment protections within the context of a public university. The Executive Council has already approved the law firm Jenner & Block LLP, 1099 New York Ave., NW, Suite 900, Washington, DC 20001 ("J&B") to serve as special counsel in this matter. ISU now requests approval of Belin McCormick, 666 Walnut Street, Suite 2000, Des Moines, IA 50309 to act as local counsel. Stephen Locher, shareholder, will have primary responsibility for the matter and his services will be billed at the rate of \$350.00 per hour. Services of other attorneys and paralegals will be billed at a lower rate, if required.

Accordingly, our office recommends that Belin McCormick be approved as Special Counsel with all attorney fees and costs to be paid directly by ISU.

Sincerely,



JEFFREY S. THOMPSON  
Solicitor General



OFFICE OF AUDITOR OF STATE  
STATE OF IOWA

TAB # 6

Rob Sand  
Auditor of State

State Capitol Building  
Des Moines, Iowa 50319-0004  
Telephone (515) 281-5834 Facsimile (515) 281-6518

EXECUTIVE COUNCIL

January 27, 2020

JAN 29 2020

Victoria Newton, Secretary  
Executive Council of Iowa  
State Capitol Building  
LOCAL

Dear Victoria:

In accordance with Chapter 32 of the Code of Iowa, I respectfully request permission of the Executive Council to employ the services of the HoganTaylor LLP CPA firm to perform the audit of the Iowa Fund of Funds, Fund A, L.L.P. for the year ending December 31, 2019 as required by Section 15E.65(2)(g) of the Code of Iowa.

The total reimbursement for audit shall not be for more than \$17,500. A copy of the proposed Agreement is attached.

Your assistance in this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Sand".

Rob Sand

RS/dd  
Attachment

OFFICE OF AUDITOR OF STATE  
AND  
HoganTaylor LLP

THIS AGREEMENT made and entered into this 27<sup>th</sup> day of January, 2020 by and between the Office of Auditor of State, hereinafter called the Auditor of State and HoganTaylor LLP, hereinafter called "CPA."

WHEREAS, the Auditor of State wishes to obtain audit services of the CPA to perform the annual audit of the Iowa Fund of Funds, Fund A, L.L.L.P. required by Section 15E.65(2)(g), Code of Iowa for the year ending December 31, 2019.

WHEREAS, the CPA is equipped and staffed to assist in the above audit and review; and

WHEREAS, this agreement is in the public interest in fulfilling the requirements of the Code of Iowa.

NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED:

1. That the CPA will:

- A. Provide auditors of various classifications and for estimated hours as detailed in 2.A of this agreement
- B. Begin work on the audit engagement as specifically agreed upon. Fieldwork for the audits must be performed and draft reports available by May 15 and the final reports delivered to the Auditor of State and the Board of Directors of the Iowa Capital Investment Corporation by July 1<sup>st</sup> of the year following the audit period.
- C. Perform all work in accordance with U.S. generally accepted auditing standards. The audit reports shall conform to any sample reports in existing AICPA Audit Guides.
- D. Immediately inform the Auditor of State and the County Attorney if the audit discloses any irregularity in the collection or disbursement of public funds.

- E. Provide access to the working papers to any appropriate federal agencies for the period of time specified in relevant.
- F. Provide access to the working papers to the Auditor of State.
- G. CPA's audit reports shall include management letters, if appropriate, which include recommendations affecting the financial statements, internal controls, legality of actions, and any other matters reasonable considered appropriate by the Auditor.

2. Conditions of Payment:

- A. The CPA shall present an invoice to Iowa Fund of Funds, who is responsible for payment of the cost of the audit.
- B. Payment shall be made within 30 days of receipt of invoice.
- C. The total fees and compensation to CPA shall not be for more than \$17,500 for the year ending December 31, 2019, except as specifically agreed by the Auditor of State and the CPA.
- D. An electronic copy of the audit report, prepared in accordance with this Agreement, including the management letter, must be delivered to the Auditor of State by July 1, 2020. Copies will be provided to the Fund Manager and to the Iowa Capital investment Corporation Board of Directors as reasonably requested.

3. Termination of Agreement:

- A. The Auditor of State may terminate this contract without notice if the CPA fails to perform the covenants or agreements contained herein.
- B. The CPA shall be paid for all work satisfactorily performed to the date of termination.

IN WITNESS THEREOF, the Auditor of State and CPA have executed this AGREEMENT as of the date indicated below:

CPA

By: \_\_\_\_\_

Title: Partner

Date: \_\_\_\_\_

Auditor of State

BY: \_\_\_\_\_

Title: Auditor of State

Date: January 27, 2020